

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PHILLIP NIXON,

Petitioner,

CASE NO. 2:08-cv-227

JUDGE SMITH

MAGISTRATE JUDGE ABEL

v.

EDWIN VOORHIES, JR., Warden,

Respondent.

OPINION AND ORDER

On April 14, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed as barred by the one-year statute of limitations under 28 U.S.C. 2244(d). Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

\\s\\ George C. Smith

GEORGE C. SMITH
United States District Judge